S.B. CR.MISC.BAIL APPL.NO.7054/2007.

Hari Ram Vs. State

Date of order : 30/10/2007.

**HON'BLE MR.JUSTICE MOHAMMAD RAFIQ**

Shri Rajnish Gupta for the petitioner.
Shri Harshvardhan Nandvana P.P. for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation against the petitioner is that he indulged in manufacturing of 20 ltrs. of country made liquor. The first information report registered against him is for committing the offence under Section 16/54 of the Rajasthan Excise Act which is punishable by the sentence of three years and triable by the court of Magistrate of Ist Class. The challan in the matter has been filed and the trial is likely to take long. There is no antecedents of the petitioner having involved in the similar offence.

Learned Public Prosecutor has opposed the bail application and argued that in view of seriousness of offence, he is not entitled to be

enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge him on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Hari Ram S/o Leela Ram shall be released on bail in F.I.R. No.46/2006 registered at Excise Police Station, Kotputli, District Jaipur for offence u/S.16/54 of the Rajasthan Excise Act subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

In case, petitioner is found indulging in the similar offence again in future, the bail granted to him, shall be liable to be cancelled on an application moved by the prosecution for cancellation of his bail.

**(MOHAMMAD RAFIQ), J.**

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